

Statement of Senator Sam Brownback
Senate Commerce Committee Hearing on the Reauthorization of the Pipeline Safety Act

May 11, 2000

Thank you Mr. Chairman for holding this hearing and for providing critical leadership on an issue that so important to the safety and reliability of interstate pipelines.

I would first like to express my condolences to the families who lost loved ones during that horrific accident in Bellingham last June. I realize that no legislation can take away the pain you have suffered but I am hopeful that this committee will pass a bill that will make it more unlikely for these accidents to occur in the future.

- While the recent accident in Bellingham was tragic, pipelines are the safest mode for delivering energy. During the past 10 years, 11 fatalities have occurred from natural gas transmission pipeline accidents, with liquid pipelines being responsible for 23 fatalities in the same time period. On the other hand, about 20 fatalities per year are associated with local distribution companies. As a point of reference, more than 40,000 deaths per year are related to highway accidents.

- That having been said, third-party damage is by far the leading cause of pipeline accidents that result in death and injury. In fact, for natural gas transmission lines, third-party damage represents about 38 percent of all accidents, and about 70 percent of all fatalities associated with pipeline accidents. For natural gas local distribution companies, third-party damage is an even greater problem, causing almost two-thirds of all accidents.

- One of the most effective ways to combat third-party damage to pipelines is the use of one-call (or "call-before-you dig") centers, which provide excavators with information about underground utilities prior to beginning their work. One-call centers are governed by state law, and are funded by local pipelines and utilities. In 1998, Congress passed comprehensive one-call legislation as part of the Transportation Equity Act for the 21st Century (TEA21). The bill established a federal grant program for states that work to improve the coverage and participation level of their one-call programs.

- I applaud the efforts by the OPS in targeting third-party damage through its national “Dig Safely” public education campaign and by promoting damage prevention practices associated with one-call systems.

- Congress should look at improving public education programs and one-call systems in order to prevent third-party damage. However, it should not involve weakening federal control over interstate pipelines.

- Of the approximately 2 million miles of pipeline in the country, about 75% or 1.5 million miles are natural gas local distribution pipelines. These intrastate natural gas pipelines, along with intrastate liquid pipelines, are, for the most part, under the oversight of state pipeline safety regulatory agencies. Since the Federal government regulates all interstate commerce activities, states are only preempted from regulating about 500,000 miles of interstate pipe.

-Some interstate pipeline transmission systems, those that carry the majority of the fuel to the eventual users, traverse more than 10 states and hundreds of localities as they transport natural gas from the wellhead to the consumer. While a large pipeline may pass through many state and local jurisdictions, it still must operate and be maintained as a single system so that the pipeline system will operate in a safe, consistent, and efficient manner.

-If states were allowed to preempt federal safety standards for interstate pipelines, the actions of one state could affect gas service and deliverability to consumers in other states in which the pipeline operates. Differing state safety standards also would be disruptive to the testing, inspection and equipment replacement activities that interstate pipelines currently perform. Additionally, individual state requirements shift focus away from system-wide priorities and service considerations, as well as resources from areas where the need is greatest, without adding any additional margin of safety to the system. Indeed, if one state’s requirements were restrictive enough, it easily would be possible for safety to actually be lessened in other states by having resources deflected away from the areas which may be most in need.

- I look forward to working with committee members in passing a bill which I hope will improve upon the 1996 Act and provide for the safe transmission and distribution of fuel across this country.